REMARKS

This Amendment responds to the Office Action mailed on July 9, 2004. Claims 13 and 22-24 are now pending. Claims 1, 2, 5-8 and 17-21 have been canceled to simplify the outstanding issues and place this application in better condition for appeal. No claims have been amended. Applicant submits that the pending claims are patentable over the cited combination of references, and entry of the following remarks is requested because they show that the Examiner has not made out a *prima facie* case of obviousness.

In short, the binary values used by Sawada to regulate his circuit are different than the arrangement recited in claim 13, and the combination with Weber does not result nor does it suggest the claimed structural arrangement.

The Rejection Under Section 103

The Patent Office rejects claims 13 and 22-24 as being obvious over Weber in view of Sawada.

The Patent Office expressly acknowledges that Weber does not disclose several of the structural elements recited in claim 13, including: a processor that is operatively connected to the output of the detector; an alert mode memory cell; a buffer memory; or a switch, connected as claimed. For these features, the Patent Office cites to Sawada and contends that it would have been obvious to a person of ordinary skill in the art to modify Weber to include the binary value RAM circuit of Sawada to regulate the mode of the phone in the manner recited in the pending claims. Applicant respectfully disagrees.

Were one of ordinary skill in the art to modify Weber in view of Sawada, as proposed, a broadcast controlled alert scheme would result that employs binary values, just as the Patent Office contends. That is because Sawada does teach a use of binary values. However, such a system would

require only a "buffer memory" that has a first value in the absence of the squelch signal and a second value in the presence of the squelch signal. The proposed combination does not teach, suggest or require the further feature of an alert mode memory cell storing a user-set alert mode or operation relative to the buffer memory in the absence of the squelch signal.

Sawada also discloses the storage of a user-set preference, but that preference setting governs the operating mode of the phone in the presence of the broadcast signal. In other words, when the broadcast signal is detected, the phone of Sawada goes into one of two versions of an "inhibit mode," depending on the user's setting (stored as a binary value). One version inhibits incoming calls and the other inhibits both incoming calls and outgoing calls. Critically, however, there is no teaching or suggestion of binary-value processing of a user setting to adjust an operating mode in the absence of the broadcast signal, by which setting the phone responds to *incoming calls* with a ring or a vibration as a function of the user's setting. That is precisely the purpose of the claimed alert mode memory cell. The user settings of Sawada operate in exactly the opposite mode than recited in claim 13, effecting the degree to which the operation of the phone is inhibitied rather than a preference of how an ***enabled*** phone is to respond to an incoming call. Thus, the combination of Sawada with Weber is clearly different.

The buffer memory of claim 13 stores the value from the alert mode memory cell in the absence of the detection of a squelch signal. The contents of the alert mode memory cell store the user's preferences for ring or vibrate when the phone is enabled. The setting in the alert mode memory cell populates the buffer memory and thereby governs the manner in which the alert signals are directed. It is only when the squelch mode is detected signifying that a quiet mode is appropriate that the buffer memory is instead populated with a predetermined value in lieu of the user's preference stored in the alert mode memory cell.

Thus, while the proposed modification of Weber in view of Sawada adds binary-value processing to Weber, the resulting combination still does not teach or hint at the particular arrangement recited in claim 13. Nor is there a suggestion in either document to engraft both a buffer memory and an alert mode memory cell to direct alert mode signals in the absence of a squelch signal in accordance with stored user-settings.

Reconsideration and allowance of claim 13 and claims 22-24 is requested.

The Examiner is invited to contact the undersigned by telephone if that will expedite allowance of this application.

Dated: October 12, 2004

Respectfully submitted,

By _____
David Leason
Registration No.: 36,195
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant